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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,992	07/11/2005	Marco Van Leeuwen	BAI525-257/08271	7993
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EXAMINER				
KEATON, SHERROD L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,992

Applicant(s)

VAN LEEUWEN, MARCO

Examiner

Sherrod Keaton

Art Unit

2175

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the RCE filing of 12-17-08. Claim 2 has been cancelled and Claims 1, 3-21 have been considered below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim recites "as large as possible" but does not state as large as possible reference to what (i.e. as large the window can be, or as much screen space is allowed).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kusuda (US 7353254 B2)

Claim 1: Kusuda discloses a method of creating a view (V) on a computer screen (3), the method comprising the steps of:

the computer (2) receiving a request from a user to create a display window view, the request comprising a location indication, the location indication comprises a point on the screen indicated by the user (Column 6, Lines 1-8; Column 9, Lines 20-32)

the computer (2) determining, on the basis of the position of the location indication with respect to the computer screen both a view location and view dimensions, creating a display window view in accordance with the request (Column 6, Lines 1-8; Column 9, Lines 20-32); a view location and dimension is created for the pop-up display window.

the computer displaying a view having said view location and said view dimensions and creating multiple display window views, wherein on creating multiple display window views, the views do not overlap (Figure 3; Column 6, Lines 1-8; Column 9, Lines 20-32); Shown in figure 3 are multiple display window views that do not overlap.

Claim 5: Kusuda discloses a method a method as in claim 1 above, and where the computer provides view activation points (P) on the screen, each view activation point corresponding with a view having predetermined view dimensions (Column 3, Lines 29-36; Column 6, Lines 1-8; Column 9, Lines 20-32). The chat windows will display a predetermined view dimension once that active area is selected.

Claim 6: Kusuda discloses a method a method as in claim 5 above, and where the computer provides at least two different types of view activation points one type corresponding with views having a fixed size (Column 3, Lines 29-36; Column 6, Lines 1-8; Column 9, Lines 20-32). There are different activation points based on what area will be selected for a chat window.

Claim 7: Kusuda discloses a method as in 1 claim above, and further discloses a device programmed to carry out the method (inherent).

Claim 8: Kusuda discloses a method as in claim 7 above, and further disclose that the device preferably is a desktop computer, a laptop computer, a palmtop computer, a PDA or an electronic organizer (Figure 1; Column 4, Lines 26-32).

Claim 9: Kusuda discloses a method as in 1 claim above, and further discloses a computer readable medium including a computer program that carries out the method (inherent).

Claim 10: Kusuda discloses a record carrier, provided with a software product as claimed in 7 (inherent).

Claim 11: Kusuda discloses a method a method as in claim 1 above, and wherein the point on the screen comprises a software button (Column 3, Lines 28-36). The mark is the software button which can be selected.

Claim 12: Kusuda discloses computer implemented method of presenting a display window on a computer screen in which content is presented to the user, the method comprising:

Presenting a plurality of view presentation locations on the computer screen (Column 6, Lines 1-8)

Receiving a request from a user to present a first display window at a first view presentation location (Column 6, Lines 1-8; Column 9, Lines 20-32);

Determining on the basis of the location of the first view presentation location a dimension of the first display window (Column 6, Lines 1-8; Column 9, Lines 20-32);

Presenting the first display window at the first view presentation location with a size according to the determined dimension (Column 6, Lines 1-8; Column 9, Lines 20-32).

Claim 13: Kusuda discloses a method a method as in claim 12 above, and wherein the point on the screen comprises a software button (Column 3, Lines 28-36). The mark is the software button which can be selected.

Claim 14: Kusuda discloses a method as in claim 12 above, and wherein the view presentation locations are presented in a plurality of rows (Figure 3). Here a view presentation areas show selections at the beginning of a row for chat window 412 (64 memory) and at the end of a row for window 412 (PC -100).

Claim 15: Kusuda discloses a method as in claim 14 above, and wherein the alternating rows are staggered (Figure 3). The available chat view areas which allow for alternating and staggered selection.

Claim 19: Kusuda discloses a method a method as in claim 12 wherein determining the dimension of the first display window includes selecting one of a first predetermined

dimension and a second predetermined dimension. (Figure 3). Here both windows are shown with predetermined dimensions (predetermined because they automatically provided).

Claim 20: Kusuda discloses a method as in claim1 and wherein the view is a display window displayed on the computer screen and the computer presents content in the view (Kusuda: Figure 3). Content is displayed inside the pop-up window.

Claim 21: Kusuda discloses a method as in claim 1 and wherein the point corresponds to a fixed physical location on the screen and not content displayed within a second view that is being displayed on the screen when the point is selected (Figure 3; Column 3, Lines 29-36). Examiner notes that all points selected on a screen relate to a fixed physical location which is then analyzed accordingly.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusuda (7353254 B2) in view of McFarland (6072488).

Claim 3: Kusuda discloses a method as in claim 1 but does not explicitly disclose that the view has a center which substantially coincides with the point on the screen indicated by the user. However McFarland discloses the functionality of opening a window centered around a selected object (Column 1, Lines 59-67). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the functionality of centering the window around a selection in Kusuda as taught by McFarland. One would have been motivated to center the window around the selection to provide a distinct area of focus for the item of interest.

Claim 16: Kusuda discloses a method a method as in claim 12 above, but does not explicitly disclose wherein the first display window includes a center and presenting the first display window includes positioning the center at a location that substantially coincides with the first view presentation location. However McFarland discloses the functionality of opening a window centered around a selected object (Column 1, Lines 59-67). Therefore it would have been obvious to one having ordinary skill in the art at

the time of the invention to provide the functionality of centering the window around a selection in Kusuda as taught by McFarland. One would have been motivated to center the window around the selection to provide a distinct area of focus for the item of interest.

7. Claims 4, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusuda (7353254 B2) in view of Cohen et al ("Cohen" Automatic Strategies in the Siemens RTL Tiled Window Manager; Pages 111-119; 1988 IEEE).

Claim 4: Kusuda discloses a method as in claim 1 but does not explicitly disclose wherein the view dimensions are as large as possible. However Cohen discloses the functionality of opening windows with a desired size, this desired size could be as large as possible (Page 113, Section 2.2). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the functionality of opening a window to be as large as possible in Kusuda as taught by Cohen. One would have been motivated to display the window as large as possible to improve user's ability to interact with the window.

Claim 17: Kusuda discloses a method a method as in claim 12 but does not explicitly disclose wherein including determining the dimension of the first display window on the basis of the location of the first view presentation location in relation to an edge of the screen. However Cohen discloses determining a window size based on edges of existing windows and based on maximizing screen space and therefore presenting the window accordingly (Page 117, Section 7.2). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide this functionality in Kusuda as taught by Cohen in order to maximize screen space for the windows.

Claim 18: Kusuda discloses a method a method as in claim 12 including:

Receiving a request from the user to present a second display window at a second view presentation location (Figure 3, Column 5, Lines 35-41);

But does not explicitly disclose determining, on the basis of the location of second view presentation location in relation to an edge of the first display window, a dimension of the second display window; Presenting the second display window at the second view presentation location with a size according to the dimension determined therefor.

However Cohen discloses determining a window size based on edges of existing windows and presenting the window accordingly (Page 117, Section 7.2). Therefore it would have been obvious to one having ordinary skill in the art at the time of the

invention to provide this functionality in Kusuda as taught by Cohen in order to maximize screen space for the windows.

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-

1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

2-25-09

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175